

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	
)	
IFCO ICS-Chicago, Inc.)	FINDING OF VIOLATION
Chicago, Illinois)	
)	EPA-5-02-22-IL
)	
Proceedings Pursuant to)	
Section 113(a)(1) of the)	
Clean Air Act, 42 U.S.C.)	
§ 7413(a)(1))	

Finding of Violation

The Administrator of the United States Environmental Protection Agency (U.S. EPA) is issuing this Finding of Violation under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3) (the Act). U.S. EPA finds that IFCO ICS-Chicago, Inc. (IFCO) is violating Title V of the Clean Air Act Amendments of 1990, 42 U.S.C. §§ 7661 et seq. and its Illinois Title 5 Clean Air Act Permit Program (CAAPP) permit. The basis for these finding is discussed below.

Statutory and Regulatory Background

1. On March 7, 1995, U.S. EPA gave the Illinois Title 5 Clean Air Act Permit Program (CAAPP) interim approval as a 40 C.F.R. Part 70 permit program under the authority of Section 502 of the Act, 42 U.S.C. § 7661(a) (60 Fed. Reg. 12478). On December 4, 2001, U.S. EPA gave the Illinois Title 5 CAAPP final approval as a 40 C.F.R. Part 70 permit program (66 Fed. Reg. 62946). The regulation at 40 C.F.R. § 70.6(b)(1) specifies that all terms and conditions in a permit issued under a Part 70 program are enforceable by U.S. EPA under the Act.
2. Condition 7.1.3(f) of the IFCO facility's Title 5 CAAPP permit requires that no owner or operator of a coating line shall apply any coating in which the VOM content exceeds the following limitation, as applied:

 miscellaneous metal parts and products coating,
 extreme performance coatings baked:
 3.3 lb VOM/gal of coating (minus water and
 any compounds which are specifically exempted
 from the definition of VOM).

3. Condition 7.1.7 of the IFCO facility's Title 5 CAAPP permit requires that the VOM content of each coating shall be determined by the applicable test methods and procedures specified in 35 Ill. Admin. Code § 218.105 (U.S. EPA Reference Methods 24 and 24A of 40 C.F.R. Part 60, Appendix A) to establish the required records.
4. Condition 5.6.3 of the IFCO facility's Title 5 CAAPP permit requires IFCO to retain all records and logs required by the permit for at least five years from the date of entry at a location at the facility that is readily accessible to U.S. EPA.
5. Condition 7.1.9 of the IFCO facility's Title 5 CAAPP permit requires IFCO to maintain Method 24 testing results, information of the name and identification number of each coating as applied on each affected coating line, the weight of VOM per the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each line, records addressing use of good operation of the water curtains, coating usage, amount of waste paint sludge sent off site, the weight of VOM per volume of waste paint sludge analyzed quarterly, cleanup solvent usage and the density of the solvent at a location at the facility that is readily accessible to U.S. EPA.
6. Condition 7.2.9(b) of the IFCO facility's Title 5 CAAPP permit requires IFCO to maintain a written record for the inspections, maintenance and repairs of all air pollution control equipment in accordance with Condition 7.2.5(a) at the facility for at least three years and have these records available for inspection and copying.
7. Condition 7.2.9(d) of the IFCO facility's Title 5 CAAPP permit requires IFCO to maintain records addressing use of good operating practices of the "affected" furnace's afterburner, including records for periodic inspection of the afterburner with date, individual performing the inspection, and nature of inspection and records for prompt repair of defects, with identification and description of defect, effect on emissions, date identified, date repaired, and nature of repair.
8. Condition 7.2.9(e) of the IFCO facility's Title 5 CAAPP permit requires IFCO to maintain records of the amount of drums and/or lids cleaned in the "affected" furnace at a

location at the facility that is readily accessible to U.S. EPA.

IFCO's Facility

9. IFCO owns and operates a drum reconditioning facility at 610 West 81st Street, Chicago, Illinois (the facility).
10. On September 14, 2000, Illinois EPA issued IFCO (then known as Palex Container Systems) a Title 5 CAAPP under the Illinois Part 70 program for IFCO's facility.
11. Emissions from the IFCO facility's coating lines are subject to its Title 5 CAAPP permit.
12. The IFCO facility's coating booths SPB-2 and SPB-1 are each "affected" coating lines under Condition 7.1.3(f) of IFCO's Title 5 CAAPP.
13. On August 13, 2002, U.S. EPA inspected the IFCO facility. During the inspection, IFCO provided the MSDS sheets for Pulloma Paints and Federated Paint coatings to U.S. EPA pursuant to Section 114 of the Act, 42 U.S.C. § 7414. According to the provided MSDS sheets, the Pulloma Paints and Federated Paint coatings are miscellaneous metal parts and products coatings (extreme performance baked) which each have the following VOM content(minus water and any compounds which are specifically exempted from the definition of VOM):

Manufacturer: Pulloma Paints, Inc
 Synthetic baking enamel, high solid gloss black bake
 enamel: 3.4 lb/gal
 High gloss fuchs blue bake enamel: 3.4 lb/gal
 High solid gloss blue bake enamel: 3.4 lb/gal

Manufacturer: Federated Paint Manufacturing Company
 Fuchs blue bake enamel: 3.49 lb/gal.

IFCO used coating booths SPB-2 and SPB-1 to apply these coatings.

14. IFCO never determined the VOM content of each coating used at the facility using U.S. EPA Reference Methods 24 and 24A of 40 C.F.R. Part 60, Appendix A.
15. During the August 13, 2002, inspection, IFCO did not have records of Method 24 testing results, information of the

name and identification number of each coating as applied on each affected coating line, the weight of VOM per the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each line, records addressing use of good operation of the water curtains, coating usage, amount of waste paint sludge sent off site, the weight of VOM per volume of waste paint sludge analyzed quarterly, cleanup solvent usage and the density of the solvent at a location in the facility.

16. IFCO's furnace is an "affected" furnace under Condition 7.2.9 of IFCO's Title 5 CAAPP.
17. During the August 13, 2002, inspection, IFCO did not have complete written records for the inspections, maintenance and repairs of all air pollution control equipment associated with the "affected" furnace in accordance with Condition 7.2.5(a).
18. During the August 13, 2002, inspection, IFCO did not have complete records addressing use of good operating practices of the "affected" furnace's afterburner.
19. During the August 13, 2002, inspection, IFCO did not have records of the number of drums and lids cleaned in the "affected" furnace.

Violations

20. At the facility, IFCO has applied the following miscellaneous metal parts and products coatings (extreme performance baked) that each have a VOM content exceeding the limitation of 3.3 lb VOM/gal of coating (minus water and any compounds which are specifically exempted from the definition of VOM), in violation of Condition 7.1.3(f) of the IFCO facility's Title 5 CAAPP permit:

Manufacturer: Pulloma Paints, Inc
 Synthetic baking enamel, high solid gloss black bake enamel: 3.4 lb/gal
 High gloss fuchs blue bake enamel: 3.4 lb/gal
 High solid gloss blue bake enamel: 3.4 lb/gal

Manufacturer: Federated Paint Manufacturing Company
 Fuchs blue bake enamel: 3.49 lb/gal

21. IFCO has failed to determine the VOM content of each coating at the facility by the applicable test methods and procedures (i.e., 40 C.F.R. Part 60, Appendix A Method 24 or 24A), in violation of Condition 7.1.7 of the IFCO facility's Title 5 CAAPP permit.
22. IFCO has failed to maintain records of Method 24 testing results, information of the name and identification number of each coating as applied on each affected coating line, the weight of VOM per the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each line, records addressing use of good operation of the water curtains, coating usage, amount of waste paint sludge sent off site, the weight of VOM per volume of waste paint sludge analyzed quarterly, cleanup solvent usage and the density of the solvent at a location at the facility that is readily accessible to U.S. EPA in violation of Condition 7.1.9 and Condition 5.6.3 of the IFCO facility's Title 5 CAAPP permit.
23. IFCO has failed to maintain a complete record for the inspections, maintenance and repairs of all air pollution control equipment in accordance with Condition 7.2.5(a) at the facility for at least three years and have these records available for inspection and copying in violation of Condition 7.2.9(b) of the IFCO facility's Title 5 CAAPP permit.
24. IFCO has failed to maintain complete records addressing use of good operating practices of the affected furnace's afterburner, including records for periodic inspection of the afterburner with date, individual performing the inspection, and nature of inspection and records for prompt repair of defects, with identification and description of defect, effect on emissions, date identified, date repaired, and nature of repair in violation of Condition 7.2.9(d) of the IFCO facility's Title 5 CAAPP permit.

25. IFCO has failed to maintain records of the amount of drums and/or lids cleaned in the "affected" furnace at a location at the facility that is readily accessible to U.S. EPA in violation of Condition 7.2.9(e) of the IFCO facility's Title 5 CAAPP permit.

9/19/02
Date

SSA FOR
Stephen Rothblatt, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Notice of Violation EPA-5-02-23-IL and the Finding of Violation, EPA-5-02-22-IL by Certified Mail, Return Receipt Requested, to:

Mr. Sam Fiegura
IFCO ICS-Chicago, Inc.
610 West 81st Street
Chicago, Illinois 60620

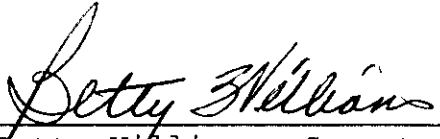
I also certify that I sent copies of the Notice of Violation and Finding of Violation by first class mail to:

Julie Armitage, Acting Manager
Compliance and Enforcement Section
Illinois Environmental Protection Agency
1021 North Grand Avenue
Springfield, Illinois 62702

Harish Narayan, Acting Regional Manager
Region 1
Illinois Environmental Protection Agency
9511 West Harrison Street
Des Plaines, IL 60016

Marcia Jimenez, Acting Commissioner
City of Chicago Department of Environment

on the 19th day of September, 2002.


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320 000601784780